



SUE JESKEWITZ

State Representative • 24th Assembly District

Testimony on Assembly Bill 709
Committee on Children and Family Law
February 21, 2008

Chairwoman Owens and members of the committee, thank you for the opportunity to testify on this bill.

Last fall, I was contacted by a county clerk in my district, who, along with other clerks in our state, had become concerned that we were not safeguarding the identity of our citizens as well as we could.

Obtaining a marriage license in our state is one way of changing either or both parties' surnames. As such, I think that adequate proof of identity should be critical to acquiring this important document.

Currently, anyone under the age of 30 years must produce a certified birth certificate in order to obtain a marriage license. My bill would make the requirement universal; applicants of any age would be required to produce a certified birth certificate.

Identity theft increases every year, and the age of the victim is irrelevant. I firmly believe that a document as important as a marriage license, which can verify someone's legal name and verify parental information, should be accurate and should be safeguarded from errors and fraud as much as possible.

My bill creates a universal standard for obtaining this important document.

Thank you.



Legislative Fiscal Bureau

One East Main, Suite 301 • Madison, WI 53703 • (608) 266-3847 • Fax: (608) 267-6873

February 14, 2008

TO: Representative Sheryl Albers
Room 115 West, State Capitol

FROM: Eric Peck, Fiscal Analyst

SUBJECT: Estimated Revenue Impact of Assembly Bill 709

As you requested, this memorandum estimates the fiscal impact of AB 709, which would require all applicants for a marriage license in this state, rather than just those under age 30 as is currently the case, to exhibit to the clerk a certified copy of a birth certificate. The memorandum also provides additional information you requested regarding the fees charged for obtaining a birth certificate in Wisconsin.

The Bureau of Health Information and Policy of the Department of Health and Family Services reported the following information with respect to marriages and remarriages in Wisconsin in 2006:

Total Number of Brides	
Age 30 or Older:	12,929

Total Number of Grooms	
Age 30 or Older:	15,998

Total Number of Brides and	
Grooms Age 30 or Older:	28,927

It is not known how many of these people already possess a certified copy of their birth certificate. For purposes of this memorandum we assumed all these individuals would have to obtain a certified copy of their birth certificate if AB 709 becomes law. An adjustment is required, however, to reflect the fact that not all applicants for a Wisconsin marriage license were born in Wisconsin. According to the U.S. Census Bureau, approximately 27% of Wisconsin's population in 2000 was not born in Wisconsin. Assuming for purposes of this memorandum that a comparable

percentage of marriage license applicants are not Wisconsin natives, the number of additional people who might reasonably be expected to purchase a certified copy of their Wisconsin birth certificate as a result of AB 709 would be 73% of 28,297, or 21,117.

Certified copies of birth certificates can be obtained from the state registrar in Madison or from local registrars throughout the state. Pursuant to 2007 Wisconsin Act 20 (the biennial budget act, or Act 20), the fee for obtaining one certified copy of a birth certificate is \$20, which represents an \$8 increase from prior law. The fee for obtaining additional copies at the same time as the first copy is obtained is \$3 per additional copy. The \$3 fee for additional copies was not changed by Act 20.

If a person obtains the first copy of their birth certificate from the state registrar, \$7 of the \$20 fee is transferred to the Child Abuse and Neglect Prevention Board (CANPB), and \$13 is retained by DHFS and credited to the vital records program revenue appropriation. If they obtain their birth certificate from a local registrar, \$7 is transferred to the CANPB, \$8 is transferred to DHFS and credited to the vital records program revenue appropriation, and \$5 is retained by the local registrar. Act 20 authorizes DHFS to submit a request to the Joint Committee on Finance to use some or all of the additional program revenues generated by this fee increase to fund a multi-year project that would automate and modernize the state's vital records system. The birth certificate fee increase included in Act 20 is scheduled to sunset on June 30, 2010, at which time the fee will revert to \$12, of which \$7 will be forwarded to the CANPB and \$5 will be retained by either DHFS or the local registrar, depending upon which entity issues the certificate.

Applying the fees as increased by Act 20 to the estimated number of additional birth certificates that might be purchased as a result of AB 709 (21,117) produces the following estimate of additional revenues, by entity, that could be generated annually by AB 709:

CANPB	\$147,819*
DHFS	200,611*
Local Registrars	73,910*

*Assumes the state registrar and local registrars will issue the additional birth certificates required under AB 709 in the same relative proportion (30% and 70%, respectively), as the birth certificates they issued in 2006.

You asked for an estimate of the amount by which the current fee for a certified birth certificate would need to be reduced in order to make AB 709 revenue neutral with respect to the CANPB and DHFS. In 2006, the state registrar and local registrars issued approximately 261,224 first copies of certified and uncertified copies of birth certificates. As indicated, AB 709 may increase that total by approximately 21,117, to 282,341. To make AB 709 revenue neutral with respect to the CANPB, the amount the CANPB receives from each of the 282,341 birth certificates that would be issued under AB 709 would have to be reduced by approximately \$0.52 per certificate. To make AB 709 revenue neutral with respect to DHFS, revenues would have to be decreased, on average, by approximately \$0.71 per certificate. These decreases could be



COUNTY CLERK'S OFFICE

WAUKESHA COUNTY

KATHY NICKOLAUS
County Clerk

1320 Pewaukee Road (HWY J) Room 120
Waukesha, WI 53188-3873

KELLY YAEGER
Deputy County Clerk

Phone: (262) 548-7010
Fax: (262) 548-7722
www.waukeshacounty.gov/departments/clerk

Committee on Children and Family Law
Public Hearing February 21, 2008
Kathy Nickolaus, Waukesha County Clerk

Chairperson Owen, members of the Committee on Children and Family Law, thank you for considering my written testimony.

Representative Jeskewitz worked with the Wisconsin County Clerks Association to get this change in legislation and we thank her for getting it this far. Unfortunately the public hearing fell on the day all county clerks are required by law to start their Election Board of Canvas for Tuesday's Presidential Preference Primary, which makes it impossible to attend. Please accept this written testimony in lieu of an appearance.

As county clerks, one of our jobs is to administer marriage licenses. As you know, current law requires each person under the age of 30 to submit a certified copy of their birth certificate. We ask that the law be changed to strike out the age requirement.

The birth certificate is used as proof of identity and to help in addressing the required information on the application. We have found that many brides and grooms do not know where they were born or the names of both of their parents. This information is found on the birth certificate. We verify their birthdates using the birth certificate as well.

After an urging from the Department of Health and Family Services, many of the county clerks have put an office policy in place which requires every applicant to produce a certified birth certificate. We are consistently applying our policy within our offices, but other clerks are waiting for the law to be changed. This inconsistency between counties can be confusing to the state residents when they obtain information from one county and then go to apply at the county they reside.

For those of us that do require a birth certificate, our policy is at times challenged by residents periodically, since the birth certificate is not required by law for all applicants.

I ask that you consider Assembly Bill 709: requiring every applicant for a marriage license to present a certified copy of a birth certificate. This will make the process consistent between county lines.

Thank you,

Kathy Nickolaus
Waukesha County Clerk
Legislative Committee Chair, Wisconsin County Clerks Association

accomplished by reducing the statutory fee and/or by reallocating the portion of the fees retained by the CANPB and DHFS.

You also asked how the fee Wisconsin charges for a certified birth certificate compares to the fees charged by surrounding states. That information, as well as a comparison to the 50-state average, is summarized below and is based on information provided by DHFS during the 2007-09 budget deliberations:

Fee for Issuing First Copy of Birth Certificate

Michigan	\$26.00
Wisconsin	20.00
Ohio	16.50
Minnesota	16.00
Iowa	15.00
Missouri	15.00
Illinois	15.00
Indiana	12.00
50-State Average	\$14.25

Finally, you inquired about the recent history of changes in Wisconsin's birth certificate fee. Prior to Act 20, the fee for obtaining the first certified or uncertified copy of a birth certificate was \$12, with \$7 to be forwarded to the CANPB. That prior fee had been in effect since state fiscal year 1995-96.

I hope this information is helpful. Please contact me if you would like any additional information.

EP/mb